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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,) Case No.: SA 08-165M

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Plaintiff,) ORDER OF DETENTION
vs.) BASED UPON FLIGHT RISK
RAFAEL BRAVO-MORALES,) [8 U.S.C. § 1326]

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Defendant.)

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Before the Court is the Government's request for an order detaining the defendant on the ground that there is a serious risk defendant will flee. The Government is not entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure defendant's appearance as required and the safety of any person or the community.

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The Court has considered all of the evidence adduced at the hearing and the arguments and/or statements of counsel. The Court has also considered: (1) the nature and circumstances of the offenses; (2) the weight of evidence against the defendant; (3) the history and characteristics of the defendant; and (4) the nature and seriousness of the danger to any person or the community.

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The Court finds that no condition or combination of conditions will reasonably assure the defendant's appearance as required, and that the defendant is a flight risk, because of the following factors:

- (X) status as an illegal alien,
- (X) insufficient bail resources,
- (X) insufficient ties to the local community and strong ties to a foreign country,
- () current state custodial status,
- () use of multiple aliases and/or name variations,
- () use of more than one social security number and birth date,
- () prior failure(s) to appear,
- (X) unstable/lack of employment history,
- () prior probation/parole violation(s),
- () extensive criminal history,
- () history of illegal drug use or substance abuse, and
- (X) prior deportations.

(X) Pretrial Services's report and recommendation to detain the defendant reasons set forth in the Pretrial Services's report.

IT IS THEREFORE ORDERED that defendant be: (1) detained prior to trial and committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; and (2) afforded reasonable opportunity for private consultation with counsel. IT IS FURTHER ORDERED that, on order of a Court of the United States or on request of any attorney for the Government, the person in charge of the corrections facility in which defendant is confined deliver defendant to a United States marshal for the purpose of an appearance in connection with a court proceeding.

Dated: April 15, 2008

ARTHUR NAKAZATO
ARTHUR NAKAZATO
UNITED STATES MAGISTRATE JUDGE